THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26535 OF 2005

DATED:21.12.2005

Between:

D. Krishna Reddy

…Petitioner

And

The Government of Andhra Pradesh

Rep. by its Secretary, Industries and Commerce Dept.,

Secretariat Buildings, Hyderabad and five others.

…Respondents

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ORDER:

The husband of sixth respondent, late D.Shiva Shankar Reddy, was granted mining lease for limestone and dolamite over an extent of Acs.11.15 in S.Nos.82/1 to 82/8, 83/A1 and A2, 83/B, 83/C1 to 83/C3, 83/D, 84/1 to 84/4 of Malkapuram Village, Dhone Mandal, Kurnool District, vide orders of the Government of Andhra Pradesh inG.O.Ms.No.207, dt.25.6.1999. After death of husband, sixth respondent and her children were added as legal representatives by proceedings dt.17.7.2002 duly transferring lease in favour of sixth respondent. The petitioner claims that after conducting enquiry on the representation made by him, fifth respondent submitted a report to the second respondent to the effect that the petitioner herein is owner of the land in S.No.84/1 and 84/3, that his consent was not obtained as per the procedure

at the time of grant of lease and therefore these two survey numbers may be excluded from the lease of the sixth respondent. The second respondent thereupon sent a report to the third respondent by letter dt.27.10.2005 to modify the orders in G.O.Ms.No.207, dt.25.6.1999 by deleting the survey Nos.84/1 and 84/3 admeasuring Acs.0.64 and Acs.0.94 respectively. Alleging that in spite of the report of the second respondent, third respondent has not taken any action, present Writ Petition is filed seeking a declaration that the action of the third respondent is illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Industries.

Admittedly, the lease was granted to late Shiva Shankar Reddy in June, 1999 by G.O.Ms.No.207, dt.25.6.1999 by the State Government as delegatee of the Central Government, as the mineral involved in the lease is major mineral. After death of her husband, sixth respondent got the lease transferred in her name in July 2002. At the stage of grant of lease or at the stage of transfer of lease, the petitioner did not demur. If he is now aggrieved by inclusion of his property in the lease, the remedy is by way of revision petition under Rule 54 of the Mineral Concession Rules, 1960, and these Rules do not permit the Director of Mines and Geology to delete the area included in the lease about six years ago. If so aggrieved, the petitioner may approach the Central Government by filing a revision petition under Rule 54 of the Mineral Concession Rules. In view of this, no direction can be granted to the third respondent to modify G.O.Ms.No.207, dt.25.6.1999, which is admittedly issued by the Government of Andhra Pradesh.

The Writ Petition is accordingly dismissed.

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(V.V.S.RAO, J)

21.12.2005

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